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REPLY UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1635

PATENT
0690-0110P
RECEIVED

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Wolfgang M. FRANZ et al.

JAN 02 2001

Appl. No.: 09/068,751

Group: 1635

TECH CENTER 1600/2000

Filed: November 2, 1998

Examiner: M. SCHMIDT

For: GENE-THERAPEUTIC NUCLEIC ACID CONSTRUCT
PRODUCTION OF SAME AND USE OF SAME IN THE
TREATMENT OF HEART DISORDERS

#15/C
NC

SMALL ENTITY TRANSMITTAL FORM
FOR REPLY AFTER FINAL UNDER 37 C.F.R. § 1.116

BOX AF

Assistant Commissioner for Patents
Washington, DC 20231

December 28, 2000

Sir:

Transmitted herewith is an amendment in the above-identified application.

Applicant claims small entity under 37 C.F.R. § 1.27.
 The enclosed document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
 The enclosed document is being transmitted via facsimile.

The fee has been calculated as shown below:

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR			PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL	26	-	58	=	0	\$ 9	\$0.00
INDEPENDENT	1	-	4	=	0	\$ 40	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM						\$135	\$0.00
						TOTAL	\$0.00

- Petition for three (3) month(s) extension of time pursuant to 37 C.F.R. §§ 1.17 and 1.136(a). \$445.00 for the extension of time is enclosed with the Notice of Appeal being filed concurrently herewith.
- No fee is required.
- A check including the amount of \$445.00 for the extension of time is being filed with the Notice of Appeal concurrently herewith.
- Please charge Deposit Account No. 02-2448 in the amount of \$0.00. This form is submitted in triplicate.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By Mark Nuell
Gerald M. Murphy, Jr., #28,977

Mark J. Nuell, #36,623

GMM/DRN/KLR/csp
0690-0110P

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(REV. 09/29/2000)

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TECH CENTER 1600/2800

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REPLY UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1635

PATENT
0690-0110P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Wolfgang FRANZ et al.

Appl. No.: 09/068,751 Group: 1635

Filed: November 2, 1998 Examiner: M. Schmidt

For: GENE-THERAPEUTIC NUCLEIC ACID CONSTRUCT
PRODUCTION OF THE SAME AND USE OF THE
SAME IN THE TREATMENT OF HEART
DISORDERS

REPLY AFTER FINAL UNDER 37 C.F.R. § 1.116

BOX AF

Assistant Commissioner for Patents
Washington, DC 20231

December 28, 2000

Sir:

Pursuant to the Office Action dated June 28, 2000, the period for response being extended three (3) months to December 28, 2000 by petition in an accompanying Notice of Appeal, the following amendments and remarks are respectfully submitted in connection with the above-identified application.